

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

JENEAL SUZANNE WHITMORE

Debtor.

Case No: 1:16-bk-08220

Chapter 13

Judge: CHARLES M. WALKER

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 10/12/2017.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 10/20/2017 AT 9:00 A.M.
THE FEDERAL BUILDING AND COURTHOUSE, 815 SOUTH GARDEN ST., COLUMBIA,
TENNESSEE 38401.**

NOTICE OF MOTION TO MODIFY PLAN

Debtor has asked the court for the following relief: TO MODIFY TERMS OF THE CHAPTER 13 PLAN.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: September 21, 2017

/s/L. G. Burnett, Jr.

L. G. Burnett, Jr., BPR #006463

Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

JENEAL SUZANNE WHITMORE

Debtor.

Case No: 1:16-bk-08220

Chapter 13

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MOTION TO MODIFY PLAN

Comes now the Debtor, Jeneal Suzanne Whitmore, by and through counsel, and pursuant to 11 USC §1329 and LBR 9013, and requests the Court enter an Order modifying Debtor's Chapter 13 Plan. In support of this motion, Debtor would show the following:

1. Debtor filed the Chapter 13 Bankruptcy on November 16, 2016 and the Order confirming the Plan was entered on January 11, 2017 [Ct. Docket No. 24].

2. Debtor was unaware that pre-petition arrears filed by The Money Source, Inc. [Ct. Claim No. 7] would be in excess of the pre-petition arrears as provided for the in the Debtor's Chapter 13 Plan.

3. Debtor wishes to propose a Motion to Modify Plan to provide for the pre-petition arrears as filed in [Ct. Claim No. 7]. *See* Exhibit A attached Amended Family Budget.

4. Debtor wishes to modify the Chapter 13 Plan to provide for the ongoing payments as prescribed in the *Order*.

5. Debtor proposes:

- a. That the Plan payments be increased from Debtor's payroll deduction from \$1040.00 bi-weekly to \$1170.00 bi-weekly.
- b. The guaranteed minimum dividend to allowed unsecured claims would remain at one hundred percent (100%).
- c. The Debtor shall continue to receive any tax refunds received under the Plan during the remainder of the bankruptcy term.

6. There shall be no changes to the treatment of the secured or unsecured creditors. No other terms of the confirmation order shall be affected by the plan modification.

WHEREFORE the Debtor respectfully moves this Honorable Court to modify the Plan according to the terms proposed above.

Dated on September 21, 2017.

Respectfully submitted,

/s/ L. G. Burnett, Jr.

L. G. Burnett, Jr. TN BPR #006463
Long, Burnett & Johnson, PLLC
302 42nd Avenue North
Nashville, TN 37209
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Attorney for Debtor

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

JENEAL SUZANNE WHITMORE

DEBTOR

CASE NO. 1:16-bk-08220

CHAPTER 13

Judge: CHARLES M. WALKER

AMENDED MONTHLY FAMILY BUDGET

		<u>Prior Budget</u>	<u>Current Budget</u>
Dates of Budgets:		<u>11/16/2016</u>	<u>9/20/2017</u>
<u>EXPENSES</u>			
Rent/Mortgage Payment:		<u>\$0.00</u>	<u>\$0.00</u>
Utilities:	Prior Current		
Electric, heat, natural gas	<u>\$300.00</u> <u>\$300.00</u>		
Water, sewer, garbage	<u>\$100.00</u> <u>\$100.00</u>		
Telephone/Cell Phone/Inet/Cable	<u>\$475.00</u> <u>\$475.00</u>		
Home Maintenance	<u>\$150.00</u> <u>\$150.00</u>		
HOA Dues	<u>\$0.00</u> <u>\$0.00</u>		
Other	<u>\$0.00</u> <u>\$0.00</u>		
Other:	<u>\$0.00</u> <u>\$0.00</u>		
Total Utilities		\$1,025.00	\$1,025.00
Food		<u>\$1,500.00</u>	<u>\$1,500.00</u>
Child Care, Children Education Costs		<u>\$820.00</u>	<u>\$820.00</u>
Clothing, Laundry, dry cleaning		<u>\$200.00</u>	<u>\$200.00</u>
Personal Care Products		<u>\$200.00</u>	<u>\$200.00</u>
Medical and Dental Expenses		<u>\$100.00</u>	<u>\$100.00</u>
Transportation (not including car pmts)		<u>\$500.00</u>	<u>\$500.00</u>
Insurance (not deducted from wages):			
Auto	<u>\$250.00</u> <u>\$250.00</u>		
Life	<u>\$0.00</u> <u>\$0.00</u>		
Home	<u>\$0.00</u> <u>\$0.00</u>		
Renters	<u>\$0.00</u> <u>\$0.00</u>		
Other:	<u>\$0.00</u> <u>\$0.00</u>		
Total Insurance:		\$250.00	\$250.00
Taxes: (not deducted from wages)/self emp		<u>\$0.00</u>	<u>\$0.00</u>
Domestic Support (Alimony, Child Support)		<u>\$0.00</u>	<u>\$0.00</u>
		<u>\$0.00</u>	<u>\$0.00</u>
Other Monthly Expenses			
Entertainment		<u>\$0.00</u>	<u>\$0.00</u>
Charitable/Religious Donations		<u>\$0.00</u>	<u>\$0.00</u>
Other		<u>\$150.00</u>	<u>\$150.00</u>
Other		<u>\$0.00</u>	<u>\$0.00</u>
Other		<u>\$0.00</u>	<u>\$0.00</u>
Other		<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY EXPENSES:		<u>\$4,745.00</u>	<u>\$4,745.00</u>

<u>INCOME</u>			<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:			<u>\$5,133.35</u>	<u>\$5,133.35</u>
Spouse's Gross Income:			<u>\$3,896.01</u>	<u>\$3,896.01</u>
Payroll Deductions:				
Payroll Taxes	<u>-\$498.77</u>	<u>-\$498.77</u>		
401(k)	<u>\$0.00</u>	<u>\$0.00</u>		
Insurance	<u>-\$632.36</u>	<u>-\$632.36</u>		
Support/Alimony	<u>-\$530.99</u>	<u>-\$530.99</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Total Payroll Deductions:			<u>-\$1,662.12</u>	<u>-\$1,662.12</u>
Other Regular Income:				
Support/Alimony	<u>\$761.00</u>	<u>\$761.00</u>		
Pension/SS/VA	<u>\$0.00</u>	<u>\$0.00</u>		
Family Contributions	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Other Regular Income:			<u>\$761.00</u>	<u>\$761.00</u>
TOTAL MONTHLY INCOME:			<u>\$8,128.24</u>	<u>\$8,128.24</u>
<u>SUMMARY:</u>				
Total Monthly Income			<u>\$8,128.24</u>	<u>\$8,128.24</u>
Minus Total Monthly Expenses			<u>\$4,745.00</u>	<u>\$4,745.00</u>
Equals Monthly Surplus:			<u>\$3,383.24</u>	<u>\$3,383.24</u>
Monthly Plan Payment:	<u>\$2,253.33</u>	<u>\$2,535.00</u>		
Duration of Plan (months):	<u>60m remain</u>	<u>50 m remain</u>		
Dividend to Unsecured Creditors (%):	<u>100.00%</u>	<u>100.00%</u>		
Secured Creditors Affected:				

*Explain any increase/decrease in income/expenses that exceeds 10%:

/s/ Jeneal Suzanne Whitmore
Debtor
September 20, 2017
Date

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE

IN RE:

JENEAL SUZANNE WHITMORE

Debtor.

Case No: 1:16-bk-08220

Chapter 13

Judge: CHARLES M. WALKER

ORDER TO MODIFY THE PLAN

Upon consideration of Debtor's Motion to Modify the Plan filed on September 21, 2017, it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore:

ORDERED the Debtor's Motion to Modify the Plan is hereby GRANTED.

ORDERED that the Plan payments will be increased to \$1170.00 bi-weekly to be deducted from Debtor's payroll.

ORDERED the guaranteed minimum dividend to allowed unsecured claims would remain at one hundred percent (100%).

ORDERED that the Debtor will continue to receive any tax refunds Debtor may be entitled to for the remainder of the bankruptcy term.

ORDERED that there shall be no changes to the treatment of the secured or unsecured creditors, and no other terms of the confirmation order shall be affected by the Plan modification.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE

Approved For Entry By:

/s/ L. G. Burnett, Jr.

L. G. Burnett, Jr. TN BPR #006463

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